

Application Serial Number 10/533,728
Response to Office Action
Dated

REMARKS / DISCUSSION OF ISSUES

Claims 1-11 are pending in the application.

Applicants note with gratitude the indication of receipt of the certified copies of papers submitted under 35 USC § 119.

Objection to the Drawings

The Office Action objects to the drawings as not including descriptive labels. No basis in law is provided, rendering the objections improper. However, Applicants submit that each element is properly labeled by descriptor, or reference character, or both, and thus complies with 37 C.F.R. § 1.83. Accordingly, Applicants respectfully submit that the objections to the drawings are improper for at least this reason as well.

Rejections Under 35 U.S.C. § 103

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mueller* (DE 10060163), *Fukui* (JP 07322346) and *Gerrits, et al.* (US Patent 7,031,696). For at least the reasons set forth herein, Applicants respectfully submit that this rejection is improper and that any further subsequent Office Action be improper.

The Office Action provides a translation of portions of *Mueller* and *Fukui*. As to the former, two pages of text are provided, with the first page including the abstract and bibliographic information; and the second page comprising 8 paragraphs. Two pages of drawings are provided. No reference to the drawings is made in the text. As to the latter, there are four pages of text, beginning with the Detailed Description. Two pages of drawings, which are incomplete, are also provided.

The Notice of References Cited includes a listing of these documents, and not their abstracts. Thus, it appears that the Office Action relies on the underlying documents and not their abstracts.

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At the outset, Applicants note that the translations are computer generated and are indicated as not substitutes for a professional translation. To the undersigned, this seems to call into question their accuracy. While the undersigned has no additional support for this position, given the importance of accuracy of all art relied upon in the examination of patent applications, the undersigned surmises that accurate examination mandates professional translations. Finally, Applicants submit that the import and intent of the portion of the MPEP cited below is for professional translations to be garnered for suitable reliance in an Office Action. Therefore, Applicants respectfully submit that the rejection is also improper for reliance on other than professional translations.

Moreover, Applicants respectfully submit that full and complete examination requires a complete translation of each reference. Applicants rely on MPEP § 706.02, which states, *inter alia*:

“Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate where both the abstract and the underlying document are prior art. See *Ex parte Jones*, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) (unpublished). To determine whether both the abstract and the underlying document are prior art, a copy of the underlying document must be obtained and analyzed. **If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection.** The record must also be clear as to whether the examiner is relying upon the abstract or the full text document to support a rejection.” (Emphasis Provided).

Applicants respectfully submit that reliance on a partial translation of an underlying document is no more proper than reliance on an Abstract (in English). Accordingly, Applicants respectfully request a complete translation of the foreign references if these are to be relied upon in a subsequent Office Action.

Because the Office Action does not fulfill the requirements under Section 706 of the MPEP, Applicants submit that the rejection is improper.

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Conclusion

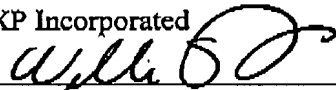
In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:

NXP Incorporated



by: William S. Francos (Reg. No. 38,456)

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